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HODGINS, MASTER IN ORDINARY. MARCH 3RD, 1905.

MASTER'S OFFICE.

IMPERIAL TRUSTS CO. v. NEW YORK SECURITY CO.

Reference—Scope of—Mortgage Action — Reference back to Readjust Accounts—Change in Computation of Interest—Jurisdiction of Master to Fix a New Day for Redemption.

An order on appeal from the report of the Master in a mortgage action declared that "plaintiffs are not entitled to recover upon their mortgage compound interest upon the principal moneys secured thereby," and directed a reference back "to readjust the accounts between the parties, having regard to the foregoing declaration."

Upon the reference back, W. H. Irving, for defendants the New York Security Co., and J. Nason and J. Douglas, for the other defendants, contended that on readjusting these accounts, the Master should appoint a new day for redemption, 6 months from the date of the new report.

H. C. Fowler, for plaintiffs, contended that the order referring back limited the Master's jurisdiction to a readjustment of the accounts.

THE MASTER:—One of Lord Bacon's Orders of 1618 provides that "no report shall be respected in Court which exceedeth the order of reference." Beames's Orders, p. 23. And in *Jenkins v. Briant*, 6 Sim. 603, Sir L. Shadwell, V.-C., referring to this Order, said that "if a Master reports on a matter which is not referred to him, his report, so far as it relates to that matter, is to be treated as a nullity."